



CALIFORNIA DEPT. OF CORRECTIONS &
REHABILITATION
Office of Civil Rights
Mission Statement

The Office of Civil Rights (OCR) serves all employees of the Department of Corrections and Rehabilitation by ensuring effective processes for the filing, investigation and resolution of complaints, developing policy, providing technical assistance and training to all CDCR staff.

The mission of the OCR is to create and maintain a working environment free of discrimination for all California Department of Corrections and Rehabilitation employees applicants, and contractors.

Rita Mollica
Assistant Secretary
Office of Civil Rights

Discrimination Complaint Hotline
1-800-272-1408

California Department of
Corrections and Rehabilitation
Office of Civil Rights
Post Office Box 942883
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State of California
Department of Corrections and Rehabilitation
Office of Civil Rights
P.O. Box 942883
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California Department of Corrections & Rehabilitation Office of Civil Rights

A Guide for Complainants

The Office of Civil Rights investigates complaints of discrimination filed by departmental employees and applicants for employment. Both state and federal law prohibits harassment and discrimination in employment because of race, color, ancestry, national origin, religion, sex (including gender orientation), disability (including HIV/AIDS diagnosis), medical condition (including genetic characteristic), pregnancy, age, marital status, denial of CFRA/FMLA, pregnancy leave, sexual orientation, military service, and retaliation for participating in the discrimination complaint process.

The Process:

Employees who believe they have experienced discrimination may file a complaint with the Office of Civil Rights. Complaints may be filed by an individual or referred by the Hiring Authority.

Employees are not required to confront the person engaged in the conduct they believed to be discriminatory.

The employee filing a complaint is the complainant. The individual filed against is the respondent. The complaint is a written document that states what happened and why they believe the action or incident was discriminatory.

It is essential that the complainant cooperate fully with the Office of Civil Rights in providing complete and accurate information. This would include names, dates, places and event details. The complainant will be asked to identify witnesses and supply any available documents to substantiate the allegations listed in the complaint.

State and federal law prohibits respondents from retaliating against any person who provides information to the Office of Civil Rights. If retaliation occurs, the Office of Civil Rights should be contacted immediately.

Complaint Intake

After a complaint of discrimination is filed with the Office of Civil Rights, an investigator is assigned to review the complaint and conduct a telephonic intake interview with the complainant. During this interview, the investigator is to identify and clarify the issues contained in the complaint. Based on the information provided, the investigator will determine whether jurisdictional requirements were met and an investigation should be initiated. Acceptance of the complaint does not, however, represent any determination that discrimination has occurred.

Complaint Investigation

Once it has been determined that an investigation is required, the Office of Civil Rights will conduct an impartial investigation. The Office of Civil Rights is not an advocate for either the complainant or the respondent.

The assigned investigator will conduct interviews with the respondent and witnesses and review all relevant documents.

Upon conclusion, the investigator will prepare an investigative report summarizing the investigative findings.

The complainant, respondent, and Hiring Authority will be notified of the findings and the Hiring Authority will take any necessary disciplinary and/or adverse action as deemed appropriate.

Jurisdictional Requirements

Jurisdiction is the term for determining whether the Department has the ability to act on a complaint. The Department must have jurisdiction over a complaint in order to investigate it or attempt resolution. The issue of jurisdiction must be addressed at the intake stage of the discrimination complaint process.

These jurisdictional requirements include:

- Who can file a complaint
- Protected Status
- Harm
- Connection between the protected status and the harm (called “nexus”)
- Timeliness

Employee Rights

All Departmental employees are assured the following rights related to complaints of discrimination:

- The right to file a complaint, freedom from influence to refrain from filing a complaint, and freedom from reprisal for filing a complaint.
- The right to a reasonable amount of work time to file a the complaint.
- The right to a full, impartial, and prompt investigation by a trained Departmental complaint investigator.
- The right to be assisted by a representative of their own choosing at all steps of the process.
- The right to limited confidentiality.
- The right to file complaints concurrently with the U.S. Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing, other state or federal compliance agencies, or to file a civil action in the appropriate court.
- The right to appeal the Department’s decision to the State Personnel Board (SPB). An appeal must be filed within 30 days.

The right to appeal to the SPB if the employee has not received a response from the Department within 180 days from the date they filed their complaint.